

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

2005 OCT -7 PM 1:59

MELVIN LOWE,

Plaintiff/Petitioner,

vs.

CIVIL ACTION NO: 2:05-CV-0495

**MONTGOMERY COUNTY BOARD
OF EDUCATION; VICKIE JERNIGAN,
MARK LaBRANCHE, TOMMIE
MILLER, MARY BRIERS, DAVE
BORDEN, HENRY A. SPEARS and
BEVERLY ROSS, in their official
capacities as members of the
Montgomery County Board of Education;
and Dr. CARLINDA PURCELL, in her
official capacity as Superintendent of the
Montgomery County Board of
Education,**

Defendant/Respondent.

MOTION TO AMEND

COMES NOW, the Plaintiff Melvin Lowe, by and through counsel, and requests this Honorable Court to amend his complaint. As grounds for this motion, Plaintiff shows unto the Court as follows:

1. The deadline for filing request for amendments has not passed.
2. Defendant attaches an amended complaint to this motion.
3. The amendment adds factual allegations and claims of retaliation by Mr. Lowe against Defendants for his filing of this lawsuit. These actions fall under Title VII and under §1983 and would involve factual allegations that occurred this past Spring and Summer after Mr. Lowe filed this lawsuit.

4. The parties have not engaged in the formal discovery except for exchange of initial

disclosures. Therefore no party would be prejudiced by this amendment.

5. This amendment would make it judicially expedient to have these new events to be included in this lawsuit rather than a separate action.

6. Under Federal Rule of Civil Procedure 15 leave for such amendment should be "freely given when justice so requires."

DONE this the 7th day of October, 2005.



WILLIAM F. PATTY (PAT038)
Attorney for Plaintiff Melvin Lowe


OF COUNSEL:
BEERS, ANDERSON, JACKSON,
PATTY & VAN HEEST, P.C.
P.O. Box 1988
Montgomery, AL 36102-1988
334-834-5311 (phone)
334-834-5362 (fax)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing MOTION TO AMEND has been served upon all parties to this action by depositing a copy of same in the U.S. Mail, postage prepaid, addressed as follows:

James R. Seale, Esq.
Hill, Hill, Carter, Franco, Cole & Black
P.O. Box 116
Montgomery, AL 36101-0116

on this the 7th day of October, 2005.



OF COUNSEL